UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:21-CV-00543-FDW-DCK

JTH TAX LLC,)	
Plaintiff,)	
v.)	<u>ORDER</u>
CHARLES GAUSE AND GAUSE ENTERPRISES LLC,)	
Defendants.)))	

THIS MATTER is before the Court on the parties' "Joint Motion to Vacate and Dismiss With Prejudice," (Doc. No. 75). Having carefully considered the motion and the record—and for the reasons stated in the motion—the undersigned will GRANT the motion.

Also before the Court is a pleading filed by the parties and styled as a "Stipulated Injunction," (Doc. No. 74). This document appears to be an agreement reached by the parties that contains a place for signature by the undersigned, although the parties did not file the pleading as a motion. To the extent this pleading seeks the Court's signature and issuance as an "injunction," the Court DENIES such relief because the pleading and proposed "injunction" fails to comply with the Rules of Civil Procedure and fails to satisfy the requisite showing for issuance under applicable law. See eBay Inc. v. MercExchange, LLC, 547 U.S. 388, 391, (2006) (identifying factors that party must satisfy in order to obtain injunctive relief); Wudi Indus. (Shanghai) Co. v. Wong, 70 F.4th 183, 190 (4th Cir. 2023) (explaining standard for injunctions and reiterating well-settled law that "injunctive relief is a 'drastic and extraordinary remedy' to be utilized sparingly, the district court is duty bound to ensure that the party seeking injunctive relief has made the requisite showings." (citing SAS Inst., Inc. v. World Programming Ltd., 952 F.3d 513, 528 (4th Cir. 2020)

(internal quotation marks omitted)). In declining to issue the "Stipulated Injunction," the Court expresses no opinion at this juncture as to whether the pleading comprises a settlement agreement

that may be summarily enforced by the Court should a dispute arise.

IT IS, THEREFORE, ORDERED that the Motion, (Doc. No. 75), is GRANTED. The Court hereby VACATES its prior Order and Judgment, (Doc. No. 66), and DISMISSES this case WITH PREJUDICE. The Clerk of Court is directed to terminate all pending deadlines, including

trial.

IT IS FURTHER ORDERED that to the extent the parties seek an injunction from the

Court, (Doc. No. 74), it is DENIED.

IT IS SO ORDERED.

Signed: July 10, 2023

Frank D. Whitney

United States District Judge